

REMARKS

Applicant amended claim 18, and added new claims 39-56. Claims 1 and 3-56, of which claims 1, 31 and 35 are in independent form, are presented for examination.

Claims 1, 3-10, 16-19 and 30-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0 962 997 (Friend) in view of U.S. Patent No. 4,177,157 (Adams). The Examiner acknowledged that Friend does not describe a battery having more than about 6% of carbon fibers by weight, and relied on Adams for describing a battery electrode having 10.5% by weight of graphite fibers. The Examiner reasoned that "it would have been obvious to one of ordinary skill in the art to employ carbon fibers at more than 6% by weight for reasons such as enhancing the level of conductivity of the electrode." (Office Action, page 3.) This reasoning, however, is contrary to the disclosure of Friend.

Friend describes three examples of battery compositions, and the Examiner has noted Example 1, which contains about 5.14% by weight of fibrils. But the Examiner has not recognized that both Examples 2 and 3, which contain, respectively, about 4.16% and 4.02% by weight of fibrils, provide relative to Example 1 better performance, e.g., capacity and percentage of cathode utilization. Thus, one skilled in the art would not be motivated to increase the concentration of carbon fibers, as suggested by the Examiner. Rather, it appears that, in light of the data provided by Friend, one skilled in the art would be motivated to decrease the fibrils concentration because the data suggests enhanced performance with lower fibrils concentration. Applicant requests that the rejection be reconsidered and withdrawn.

Claims 11, 12, and 35-38, of which only claim 35 is in independent form, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 4,948,484 (Andersen). Here, the Examiner apparently is applying Andersen for describing a cathode comprising between about 82% and about 92% of cathode active material, but the Examiner has misinterpreted Andersen.

Andersen is directed to a process for preparing electrolytic manganese dioxide for use in a battery. (See, e.g., Andersen, col. 1, lines 6-7.) The mixture that the Examiner has referred to at column 3, lines 2-25, is actually a mixture that Andersen oxidatively electrolyzes to form

electrolytic manganese dioxide. That is, the mixture is not used as a cathode in a primary alkaline battery, as claimed. Indeed, Andersen does not disclose or suggest how his electrolytic manganese dioxide is used in a battery (e.g., the composition of the cathode), and thus, Andersen does not cure the deficiencies of Friend and Adams. Claims 11 and 12 depend from claim 1, and are patentable for at least the same reasons that claim 1 is patentable. Applicant requests that the rejection be reconsidered and withdrawn.

Under 35 U.S.C. § 103(a), claims 13-15, 20-22, and 24 are rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 4,923,637 (Yagi); claim 23 is rejected as being unpatentable over Friend in view of Adams and Yagi and further in view of Lafdi and Wright, Carbon Fibers from Handbook of Composites (Lafdi); claim 26 is rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 4,005,183 (Singer); claim 34 is rejected as being unpatentable over Friend in view of Adams and further in view of Lafdi; claims 24 and 25 are rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 6,506,355 (Glasgow); claim 27 is rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 5,482,798 (Mototani); claim 28 is rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 4,777,100 (Chalilpoyil); and claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 6,287,730 (Callahan).

But these additional references do not cure the deficiencies discuss above. Accordingly, these claims, which depend from claims 1, 31 or 35, are patentable for at least the same reasons that the independent claim are patentable.

The new claims depend from 35 and are patentable for at least the same reasons that claims 35 is patentable.

Applicants believe the claims are in condition for allowance, which action is requested.

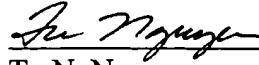
Enclosed is a Petition for Extension of Time with the required fee. Please apply any other charges or credits to deposit account 06-1050.

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Page : 11 of 11

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Respectfully submitted,

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